

REMARKS

Amendments

Claim 1 is amended above to incorporate the recitation of claim 2 (now cancelled). It is noted that claim 2 was not rejected in the April 12, 2010 Office Action. Claim 6 is amended to delete language that is superfluous in light of the amendments to claim 1. Claim 7 is amended to make grammatical and punctuation changes.

Objection to Claims 2, 7, 8, and 38

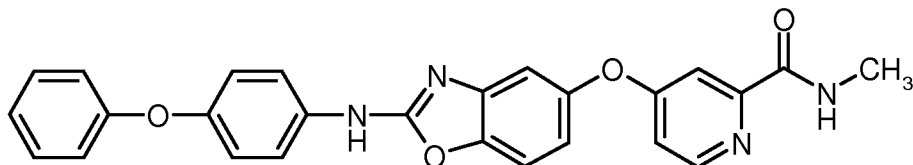
Applicants note that claims 2, 7, 8, and 38 were not rejected in the April 12, 2010 Office Action. With regards to claim 7, it is respectfully submitted that the language of the claim is in proper Markush format. The claim recites a list of compounds in the format of “selected from A, B, C, and D,” wherein “D” is “pharmaceutically acceptable salts, and stereoisomers thereof, including mixtures of stereoisomers in all ratios.” However, to further prosecution, claim 7 is amended to insert “and” between the last two compounds listed.

Restriction Requirement

In response to the arguments for withdrawal of the Restriction presented in the Reply filed February 12, 2010, the Examiner argues that the Restriction has already been made Final. However, merely because the Restriction is said to be Final does not preclude the presentation of arguments and the consideration thereof, just as when a rejection is made Final. In any event, applicants will file a Petition for withdrawal of the Restriction Requirement.

Rejection under 35 U.S.C. §102(b)

Claims 1, 3, 5, 9, 10, and 30-37 are rejected under 35 U.S.C. §102(e) as being anticipated in view of Renhowe et al. (WO 03/082272). Specifically, the rejection refers to the compound 477 on page 96:



This rejection was not applied against claim 2. As noted above, claim 1 is amended to incorporate the recitation of claim 2. Compound 477 does not anticipate amended claim 1. Compare the definition of group R¹ in amended claim 1.

In view of the above remarks, it is respectfully submitted that the disclosure of Renhowe et al. fails to anticipate applicants' claimed invention. Withdrawal of the rejection is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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Date: July 12, 2010